

REMARKS

Claims 43-50 have been amended. Claims 26-52 are pending and under consideration.

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

I. Claim Objections

In the Office Action, at page 2, claims 47-48 were objected to due to various informalities. Claims 47-48 have been amended in response to this objection. Accordingly, withdrawal of the objection is respectfully requested.

II. Rejection under 35 U.S.C. § 102

In the Office Action, at pages 2-4, claims 26, 35-36, 40, 43-44, 46, and 52 were rejected under 35 USC § 102(e) as being anticipated by Fraccaroli (U.S. Patent No. 6,549,768).

This rejection is respectfully traversed.

Claim 26, for example, recites:

assigning each user a specific profile containing data about said user and at least one constraint;

performing a direct data interchange between at least two users as soon as they are in a specified communication zone; and

clustering users within the same communication zone, based on the data and constraints of their profiles.

As such, claim 26 is related to an ad-hoc network in which users within a common communication zone are clustered together based on a direct exchange of data between the users, wherein the direct data exchange includes a specific profile containing data about the user and at least one constraint.

Fraccaroli does not disclose an ad-hoc network in which users perform a direct exchange of user profile data. In contrast to claim 26, Fraccaroli is directed to a basic cellular-type network in which communication between users is not direct, but instead is processed through a series of base stations, base station controllers, home location registers, visitor location registers, etc. More specifically, as illustrated in Fig. 1 and described in col. 5, lines 26-37 of Fraccaroli, the matching of user IDs is carried out through the use of a home location register HLR 105 that is connected to a server 106 having a matching engine 107. As such, the matching or “clustering” of Fraccaroli is not performed based on direct communication or data exchange between the users.

Since Fraccaroli does not discuss or suggest all of the features of claim 26, claim 26 patentably distinguishes over Fraccaroli. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Claims 35-36 and 40 depend either directly or indirectly from claim 26, and include all the features of claim 26, plus additional features that are not discussed or suggested by the reference relied upon. Therefore, claims 35-36 and 40 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 102(e) rejections is respectfully requested.

Claim 43, for example, recites:

wherein each user is assigned a specific profile containing profile data and at least one constraint, data exchange taking place directly between at least two users as soon as they are in a specified communication zone in order to find users with profiles of a specified content, taking the constraints into account, in the specified communication zone.

For reasons similar to those discussed above, Fraccaroli does not discuss or suggest all of the features of claim 43, so that claim 43 patentably distinguishes over Fraccaroli. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Claims 44 and 46 depend either directly or indirectly from claim 43, and include all the features of claim 43, plus additional features that are not discussed or suggested by the reference relied upon. Therefore, claims 44 and 46 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 102(e) rejections is respectfully requested.

Claim 52, for example, recites:

assigning each user a specific profile containing data about said user and at least one constraint;
performing a direct data interchange between at least two users as soon as they are in a specified communication zone;
clustering users within the same communication zone, based on the data and constraints of their profiles; and
assigning each user a specific profile containing data about said user and at least one constraint.

For reasons similar to those discussed above, Fraccaroli does not discuss or suggest all of the features of claim 52, so that claim 52 patentably distinguishes over Fraccaroli. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

In the Office Action, at page 4, claim 51 was rejected under 35 USC § 102(b) as being anticipated by Chang (U.S. Patent Pub. No. 2002/0168938).

This rejection is respectfully traversed.

Claim 51, for example, recites:

specifying attributes of desirable users, the attributes being specified at an initiator mobile terminal in an ad hoc communication network;

searching, by the initiator mobile terminal, for users having the attributes specified by the initiator user by performing a direct data interchange between the initiator mobile terminal and each of a plurality of users in the mobile network;

clustering together users having the attributes specified by the initiator user, to thereby form a user cluster; and

providing the users of the user cluster with information regarding other users within the same cluster.

As such, claim 51 is related to an ad-hoc network in which users are clustered together based on a direct exchange of data between the initiator mobile terminal and each of the users, wherein the direct data exchange includes specific desired attributes to be shared among the users in a specific cluster.

Chang does not disclose an initiator mobile terminal that searches for users having the attributes specified by the initiator user by performing a direct data interchange between the initiator mobile terminal and each of a plurality of users in the mobile network. In contrast to claim 51, Chang, as relied on by the Examiner in paragraph [0010], merely discloses that a first user may use a first listening apparatus to send a first message to a public channel, after which a matching evaluation can be performed with other users based on a specific criterion. However, the exchange between users in the network of Chang is not direct and the first user of Chang does not perform a direct data exchange with each of the other users in order to “add” users to a cluster. Chang clearly discloses that a third, or successive, user scans the public channel in order to gain access to the private channel.

Since Chang does not discuss or suggest all of the features of claim 51, claim 51 patentably distinguishes over Chang. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

III. Rejection under 35 U.S.C. § 103

In the Office Action, at pages 4-10, claims 27-30, 32-34, 37-39, 41-42, 45, and 47-50 were rejected under 35 USC § 103(a) as being unpatentable over Fraccaroli in view of Chang.

Each of these dependent claims depend from one of the independent claims discussed above, so that claims 27-30, 32-34, 37-39, 41-42, 45, and 47-50 each patentably distinguishes over Fraccaroli in view of Chang. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

In the Office Action, at page 10, claim 31 was rejected under 35 USC § 103(a) as being unpatentable over Fraccaroli in view of Chang and further in view of Twitchell (U.S. Patent Pub. No. 2002/0119770).

Twitchell fails to make up for the deficiency in Fraccaroli and Chang, so that claim 31 patentably distinguishes over Fraccaroli and Chang and Twitchell. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

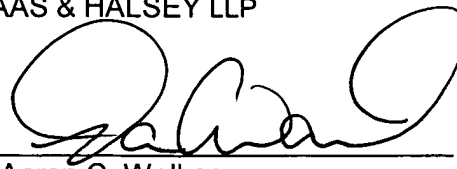
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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